

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

BAYLESS EUGENE SULLIVAN,)
)
Plaintiff,)
)
v.)
)
COMMISSIONER OF SOCIAL SECURITY,) Case No. 4:13-cv-57
)
Defendant.)
)

Judge Mattice
Magistrate Judge Lee

ORDER

On December 19, 2014, United States Magistrate Judge Susan K. Lee filed a Report and Recommendation (Doc. 23) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that (1) Plaintiff's Amended Motion for Summary Judgment (Doc. 22) be granted in part to the extent that it seeks remand to the Commissioner and denied in part to the extent it seeks an award of benefits; (2) the Commissioner's Motion for Summary Judgment (Doc. 19) be denied; and (3) the Commissioner's decision be reversed and remanded pursuant to Sentence Four of 42 U.S.C. § 405(g). (*Id.* at 25-26).

Neither party has filed objections to the Magistrate Judge's Report and Recommendation.¹ Additionally, the Court has reviewed the record in this matter, and it agrees with the Magistrate Judge's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact and conclusions of law. Plaintiff's Amended Motion for Summary Judgment

¹ Magistrate Judge Lee specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 23 at 25); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”).

(Doc. 22) is hereby **GRANTED** to the extent that it seeks remand to the Commissioner and **DENIED** to the extent that it seeks an award of benefits; the Commissioner's Motion for Summary Judgment (Doc. 19) is hereby **DENIED**; and the Commissioner's decision is hereby **REVERSED** and **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for further evaluation.

SO ORDERED this 7th day of January, 2015.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE